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MTC 6692.1 (39-21(3779)B)
PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Becher et al.

Art Unit 1616

Serial No. 09/652,771

Filed: August 31, 2000

Confirmation No. 4545

For ENHANCED METHOD OF KILLING WEEDS WITH GLYPHOSATE HERBICIDE

Examiner Alton Pryor

#11
#110
9.10.02

September 4, 2002

AMENDMENT B

TO THE ASSISTANT COMMISSIONER FOR PATENTS,
Washington, D.C. 20231

SIR:

This letter is being sent in response to the final Office action dated May 15, 2002, the time for response to which is extended to September 15, 2002 under 37 C.F.R. §1.136(a).

REMARKS

Reconsideration is requested of the rejection of claims 1-32 under 35 U.S.C. §103(a) as being unpatentable over Parker et al. (WO 9921423; 5/6/99).

The Parker international application published on May 6, 1999, less than one year prior to the priority date claimed by applicants, *i.e.*, September 9, 1999¹. Attached hereto is a Rule 131 Declaration of David Z. Becher, Al S. Wideman and James C. Forbes that avers to a date of invention before May 6, 1999, the earliest priority date of WO 99/21423. Therefore, applicant submits that Parker does not qualify as prior art under 35 U.S.C. §103(a).

¹Applicants claim the benefit of provisional application 60/153,140, filed September 9, 1999.